

Notice of Allowability

Application No.

09/769,917

Examiner

James A. Thompson

Applicant(s)

MATSUI ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07 July 2006.
2. ☒ The allowed claim(s) is/are 1,3-9,15,17-23,26 and 27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 July 2006 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 10-14, filed 07 July 2006, with respect to the rejections of the claims under 35 USC §103(a) have been fully considered and are persuasive. The rejections of the claims under 35 USC §103(a) listed in the previous office action mailed 07 March 2006 have been withdrawn. Applicant's present amendments to the claims overcome the previously cited prior art references. Furthermore, Examiner has not discovered any additional prior art which anticipates the claims and/or renders the claims obvious to one of ordinary skill in the art at the time of the invention. This is set forth in greater detail below.

Allowable Subject Matter

3. Claims 1, 3-9, 15, 17-23 and 26-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claim 1 recites that, before a predetermined time has elapsed, a first reference member is illuminated by a light source and read so as to acquire a coefficient for uniformly changing the level of the electrical signals while the image sensor scans a plurality of original sheets that are fed to the scanner by a feeder. After the predetermined time has elapsed, the scanning is interrupted and a second reference member is read only once in order to acquire shading correction information. The scanning of the original sheets is then restarted, and the first reference member is scanned while the image sensor scans the remaining original sheets, and the second reference member is not scanned again. Similar limitations are found in independent claims 15, 26 and 27. While the use of two separate reference patches for acquiring shading correction data is common in the art, the precise timing and use of the reference patches as presently claimed in claims 1, 15, 26 and 27, as discussed above, have not been found in the prior art such that claims 1, 15, 26 and 27 are either anticipated by a single reference or, by a combination of references, rendered obvious to one of ordinary skill in the art at the time of the invention. The closest prior art found is the prior art already relied upon in the previous prior art rejections, namely the combination of Kumashiro (US Patent 5,864,408), Webb (US Patent 5,336,408), and Nisimura (US Patent 5,513,018). However, the combination of Kumashiro, Webb and Nisimura does not fully teach

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the present claims, nor has additional prior art been found which teaches the present claims. The dependent claims are allowable due to their respective dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



06 September 2006

James A. Thompson
Examiner
Technology Division 2625



DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600